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5                   **UNITED STATES DISTRICT COURT**  
6                   **WESTERN DISTRICT OF WASHINGTON**  
7                   **AT TACOMA**

8                   **UNITED STATES OF AMERICA,**

9                   **Plaintiff,**

10                  v.

11                  **RICHARD GEORGE LESEMAN,**

12                  **Defendant.**

13                   **CASE NO. CR15-5404BHS**

14                   **ORDER CONTINUING TRIAL**  
15                   **DATE AND PRETRIAL MOTIONS**  
16                   **DUE DATE**

17         This matter comes before the Court on Defendant's Unopposed Motion to Continue Trial  
18 Date and Pretrial Motions Due Date. The Court, having considered the unopposed motion and  
19 the Defendant's speedy trial waiver, makes the following findings of fact and conclusions of law:

20         1. The defense needs time to hire an expert to evaluate and further review forensic  
21 evidence received from the government in initial discovery. Given the incomplete status of the  
22 investigation, the defense has not been able to explore potential legal or factual issues for  
purposes of pretrial motions.

23         2. The defense needs additional time to explore all relevant issues and defenses  
24 applicable to the case, which would make it unreasonable to expect adequate preparation for  
25 pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act  
and currently set for this case. 18 U.S.C. § 3161(h)(7)(B)(ii).

3. Taking into account the exercise of due diligence, a continuance is necessary to allow the defendant the reasonable time for effective preparation his defense, to explore resolution of this case before trial and to ensure continuity of defense counsel. 18 U.S.C. § 3161(h)(7)(B)(iv).

4. Proceeding to trial absent adequate time for the defense to prepare would result in a miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(i).

5. The ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A) and (B).

6. Defendant waived speedy trial through January 31, 2016.

NOW, THEREFORE, IT IS HEREBY ORDERED

That the trial date is continued from October 20, 2015, to January 26, 2016 at 9:00 a.m.; Pretrial Conference is set for January 19, 2016, at 1:30 p.m.; pretrial motions are due by December 30, 2015. The resulting period of delay from September 22, 2015, to January 26, 2016, is hereby excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(7)(A) and (B)

Dated this 24<sup>th</sup> day of September, 2015.

  
BENJAMIN H. SETTLE  
United States District Judge